



## **QFD PROSECUTION OVER FIREFIGHTER FATALITY**

Members will recall from [SitRep 24/2023](#) the tragic loss of Queensland Comrade and First Class Firefighter Izzy Nash, who was killed while attending a factory fire at Slacks Creek. The passing of Izzy Nash has been devastating for members of the Queensland Professional Firefighters' Union ('QPFU') and serves as a sobering reminder of the inherent dangers firefighters face at every shift.

The Slacks Creek fire has been subject to a significant investigation undertaken by Workplace Health and Safety Queensland. Earlier this year, the QPFU were [made aware](#) also that the Office of the Work Health and Safety Prosecutor ('WHSP') had commenced proceedings against the Queensland Fire Department ('QFD') for failures to comply with Work Health & Safety duties. Those failures are understood to have related to ineffective radio equipment, contributing to delayed rescue efforts.

The prosecution of QFD will return to court in September.

## **THE STANDARD OF CARE OWED TO FIREFIGHTERS**

FRNSW's 2023 '[Adverse Structure Fire Outcomes](#)' report underscored the statistically significant correlation between response times from appropriately resourced firefighters and survivability in emergency incidents, and in preventing loss of life and property. The report recognises that which FBEU members know well – our response efforts, when adequately resourced, are critically important to public safety.

Our workplace is dangerous and dynamic, but safety legislation doesn't draw a distinction on this. No level of firefighter injury or fatality is acceptable, and the prosecution of QFD is a stark reminder of the duty of care owed to all firefighters. Today, FBEU officials were keen to remind the FRNSW ELT of these duties as the parties progressed through another meeting concerning the proposed downgrading of response at select retained stations.

## **PROPOSED DOWNGRADING OF CAPABILITY**

FRNSW's desire to fundamentally erode safe systems of work has thus far demonstrated a complete incomprehension of their duties to firefighters, and a willful ignorance of the public safety impacts of this proposal. For these reasons, consultation concerning the 'tanker strategy' is challenging, and there remain many unanswered questions.

The halving of primary response resources with tanker and two firefighters will have predictable consequences. FRNSW have thus been wholly unprepared to acknowledge and mitigate those consequences. There has been no review of existing standard operating guidelines, and no task-based analysis to establish the impact of this proposal on firefighters. There has been no risk management process to date.



Time and time again, safety reviews into on-duty firefighter fatalities have drawn strong criticism of the adequacy of situational awareness and firefighter training. FRNSW's proposal risks replicating these mistakes and worse.

From all accounts, FRNSW's proposal is being driven primarily as a cost-cutting exercise with Ministerial blessing, conducted with little to no objectivity. What benefit, if any, might arise from this proposal is entirely disproportionate to the firefighter and public safety risks it gives rise to.

I will leave members with the following from Assistant Commissioner Education & Training Greg Drummond, taken from his earlier [published academic work](#)<sup>1</sup>:

*"Arguably, from a fire services perspective, where an Incident Controller may be faced with a decision that leads to the loss of life of firefighters, but the rescue of members of the public, this approach may be considered of little benefit if not callous."*

## **2008/22 AND 2019/20**

Members should make themselves aware that In-Orders 2008/22 remains **in effect** and the proposed Commissioner's Orders 2019/20 have not been implemented by Fire and Rescue NSW, despite what the Standing Orders say about the matter.

For a history of this matter, see [SitRep 25/2019](#) for the start of the matter, [SitRep 2/2020](#) for the IRC Order removing 2019/20 and re-implementing 2008/22, and the decision in the 2008/22 matter by [clicking here](#). The outcome in this matter simply provides FRNSW with the right to implement the "Proposed" In Order (changed from the originally proposed 2019/20), **which FRNSW has not done at any point.**

In Unity,

A handwritten signature in blue ink, appearing to read "L. Drury", is written over a light blue horizontal line.

**Leighton Drury**  
**State Secretary**

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<sup>1</sup> Greg Penney, Greg Smith, Simon Ridge and Marcus Cattani, *A Review of the Standard of Care Owed to Australian Firefighters from a Safety Perspective—The Differences between Academic Theory and Legal Obligations*